

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

**Ronald Jay Baer
Carol Jean Baer**

SECOND FIRST PRE-CONFIRMATION MODIFIED CHAPTER 13 PLAN

DATED: ~~June 25, 2004~~ ~~August 28, 2004~~ September 22, 2004

CASE NO: **04-33716 GFK**

Debtor

1. PAYMENTS BY DEBTOR

- a. As if the date of this plan, the debtor has paid the trustee ~~\$-0-~~ 1,500.00.
- b. After the date of this plan, the debtor will pay the trustee ~~\$1,500.00~~ 1,600.00 per month for ~~36~~ 35 months, beginning within 30 days from the filing of this plan.
- c. The debtor will also pay the trustee ~~-0-~~.
- d. The debtor will pay the trustee a total of ~~\$54,000.00~~ 57,500.00 [line 1(a) + 1(b) + 1(c)].

2. PAYMENTS BY TRUSTEE

The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of ~~\$5,400.00~~ 5,750.00 [line 1(d) x .10] or such lesser amount as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation. **For purposes of this plan, the Trustee's fees are assumed to equal Six Percent (6%).**

3. PRIORITY CLAIMS

The trustee shall pay in full all claims entitled to priority under §507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

Creditor	Estimated claim	Payments per Month	Beginning in Month #	Number of Payments	Total Payments
a. Attorneys Fees	\$3,000 <u>3,500</u>	\$175 <u>140/980</u>	<u>1/18</u>	<u>18/1</u>	\$3,000.00 <u>3,500.00*</u>
b. Internal Revenue Service	\$8,800 <u>8,328</u>	\$570	19/20	16 <u>15</u>	\$8,800.00 <u>8,328.00</u>
c. Department of Revenue	\$3,700	\$240	19/20	16	\$3,700.00
d. Other	\$	\$		0	\$0
e. Total	\$	\$			\$15,500.00 <u>15,528.00</u>

***Or such lesser amount as the Court shall order.**

4. LONG TERM SECURED CLAIMS NOT IN DEFAULT

The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors.

- a. _____
- b. _____

5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)]

The trustee will cure defaults (~~plus interest at the rate of 8% per annum~~) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Claim	Estimated Monthly Payments	Beginning in Month #	Number of Payments	Total Payments
a. ABN AMRO Mtg	\$16,000 18,290	\$890 1,017/1,001	1/19	18 17 18/1	\$16,000.00 18,290.00
b.	\$	\$			\$0
c. Total	\$	\$			\$16,000.00 18,290.00#

For additional terms, see §11 below.

6. OTHER LONG TERM CLAIMS IN DEFAULT [§1322(b)(5)]

The trustee will cure defaults (plus interest at the rate of 8% per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Default	Amount of Monthly Payment	Beginning in Month #	Number of Payments	Total Payments
a.	\$	\$			\$0
b. Total	\$	\$			\$0

7. OTHER SECURED CLAIMS [§1325(a)(5)]

The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8%. The creditor's secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE:

NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. §1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. §506(a).

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	Total Payments
a.Scott Cty RE Tax	\$1300	\$1,300	\$80	19	16	\$1,300.00
b.Wells Fargo	\$25,340	\$13,650	\$350/506	1/19	18/18	\$15,408.00
c. Total	\$	\$	\$			\$16,708.00

8. SEPARATE CLASS OF UNSECURED CREDITORS

In addition to the class of unsecured creditors specified in §9, there shall be a separate class of non-priority unsecured creditors described as follows:

- The debtor estimates that the total claims in this class are \$_____.
- The trustee shall pay this class \$_____.

9. TIMELY FILED UNSECURED CREDITORS

The trustee will pay holders of non-priority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under §2, 3, 5, 6, 7, and 8 their pro rata share of approximately ~~\$2,735.00~~ **3,719.00** [line 1(d) minus lines 2, 3(e), 5(d), 6(b), 7(c), and 8(b)].

- The debtor estimates that the total unsecured claims held by creditors listed in §7 are **\$11,690.00**.
- The debtor estimates that the debtor's total unsecured claims [excluding those in §7 and 8] are **\$12,546.00**.
- Total estimated unsecured claims are **\$24,266.00** [9(a) + 9(b)].

10. TARDILY FILED UNSECURED CREDITORS

All money paid by the debtor to the trustee under §1, but not distributed by the trustee under §2, 3, 5, 6, 7, 8, or 9 shall be paid to holders of non-priority unsecured claims for which proofs of claim were tardily filed.

11. OTHER PROVISIONS: Upon payment in full of Wells Fargo Financial Acceptances' allowed and secured claim as provided for in Class 7, and compliance with the remaining terms of the Plan, Claimant, Wells Fargo Financial Acceptance, shall immediately provide Debtors a release of its security interest in Debtors' 1999 Ford Expedition. Debtors propose to pay directly, the current and ongoing payments with regard to their homestead mortgage running in favor of ABN-AMRO. Debtors proposed to surrender the 2000 MXZ Skidoo in full and complete satisfaction of the claim running in favor of Wells Fargo Financial.

Debtors propose to pay directly the regular payments which come due after date of filing with regard to the claim of ABN AMRO (“ABN”). In the event Debtors default with regard to their regular payments to ABN, and after Debtors failure to cure the default within Ten (10) days of written notice by ABN to Debtors of default, ABN shall be entitled, upon the filing of an Affidavit of Default with the Court, to an ex-parte Order granting relief from the Automatic Stay.

12. SUMMARY OF PAYMENTS

Trustee’s Fee (line 2)	\$ 3,057.00	<u>3,255.00</u>
Priority Claims (line 3(e))	\$15,500.00	<u>15,528.00</u>
Home Mortgage Defaults (line 5(d))	\$16,000.00	<u>18,290.00</u>
Long Term Debt Defaults (line 6(b))	\$	
Other Secured Claims (line 7(c))	\$16,708.00	
Separate Class (line 8(b))	\$	
Unsecured Creditors (line 9(c))	\$ 2,735.00	<u>3,719.00</u>
Total (must equal line 1(d))	\$54,000.00	<u>57,500.00</u>

ATTORNEY FOR DEBTOR
/e/ G. Martin Johnson (Lic. No. 0052279)
G. MARTIN JOHNSON, LTD.
3800 WEST OLD SHAKOPEE ROAD
BLOOMINGTON, MN 55431
TEL: (952) 881-9758 FAX: (952) 881-2172

Signed /s/ Ronald Jay Baer
DEBTOR

Signed /s/ Carol Jean Baer
DEBTOR

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

RONALD JAY BAER
CAROL JEAN BAER

Bky file No. 04-33716-GFK
Chapter 13 Case

Debtors

NOTICE OF SECOND PRE-CONFIRMATION PLAN MODIFICATION

TO ALL PARTIES ON THE ATTACHED SERVICE LIST:

Enclosed please find Debtors' Second Pre-Confirmation Modified Plan dated September 23, 2004.

PLEASE TAKE NOTICE that the confirmation hearing with regard to the Modified Plan shall be held at the U.S. Federal Courthouse, 2nd Floor, Room 228C, 316 North Robert, St. Paul, MN 55101 on October 28, 2004 at 10:30 a. m.

G. MARTIN JOHNSON, LTD.

Dated: September 23, 2004

/e/ G. Martin Johnson
G. Martin Johnson (0052279)
3800 West Old Shakopee Road
Bloomington, MN 55431
Te: (952) 881-9758
Fax: (952) 881-2172

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

RONALD JAY BAER
CAROL JEAN BAER

Bky file No. 04-33716-GFK
Chapter 13 Case

Debtors

UNSWORN DECLARATION OF SERVICE

I, G. Martin Johnson, declare under penalty of perjury that on September 23, 2004, I mailed following described documents, postage prepaid, to each of the entities named below at the address stated below for each entity: Second Pre-Confirmation Modified Plan dated September 22, 2004.

SEE ATTACHED SERVICE LIST

Dated: September 23, 2004

/e/ G. Martin Johnson
G. Martin Johnson

G. MARTIN JOHNSON, LTD.
ATTORNEY AT LAW

3800 WEST OLD SHAKOPEE ROAD
BLOOMINGTON, MINNESOTA 55431
TELEPHONE (952) 881-9758
FAX (952) 881-2172
EMAIL: gmjohnson@isd.net

12400 PORTLAND AVENUE SOUTH
SUITE 132
BURNSVILLE, MINNESOTA 55337
TELEPHONE: (952) 882-1566

Reply to __X__

G. Martin Johnson

Paralegal
Laurel A. Correll
Chris A. Snyder

September 23, 2004

TO: ALL PERSONS ON THE ATTACHED SERVICE LIST:

Re:	Ronald and Carol Baer
Bankruptcy File No.	04-33716-GFK
File NO:	2141-42068

Enclosed please find and herewith serviced upon you Debtors' First Pre Confirmation Modified Plan dated September 22, 2004.

Yours very truly,

/e/ G. Martin Johnson
G. Martin Johnson
GMJ/lc
enclosures

RONALD JAY BAER
2326 MATHIAS ROAD
SHAKOPEE, MINNESOTA 55379

CAPITAL ONE
P O BOX 60000
SEATTLE WA 98190

MINN DEPT OF REVENUE
C/O COLLECTIONS ENFORCEMENT
600 NORTH ROBERT STREET
ST. PAUL MN 55146

CAROL JEAN BAER
2326 MATHIAS ROAD
SHAKOPEE, MINNESOTA 55379

DR PONTERIO/DR VACK
235 1ST AVENUE EAST
SHAKOPEE MN 55379

NELSON, STEPHEN R DDS
6545 FRANCE AVENUE SOUTH
SUITE 500
MINNEAPOLIS MN 55435

G. MARTIN JOHNSON
G. MARTIN JOHNSON, LTD.
3800 WEST OLD SHAKOPEE ROAD
BLOOMINGTON, MN 55431

GRONER JEFFREY MD
P O BOX 238
AVON MN 56310

PARK NICOLLET
C/O ALLIED INTERSTATE
435 FORD ROAD SUITE 800
MINNEAPOLIS MN 55426

ABN AMRO MORTGAGE
C/O JAMES A. GESKE
7650 CURRELL BLVD SUITE 300
WOODBURY MN 55125

INTERNAL REVENUE SERVICE
C/O STOP 5700 SPECIAL PROCEDURE
316 N. ROBERT STREET
ST. PAUL MN 55101

PARK NICOLLET
BOX 67
CHANHASSEN MN 55317

ABN AMRO MORTGAGE
7159 CORKLAN DRIVE
JACKSONVILLE FL 32258

KEANE, THOMAS M.
6545 FRANCE AVENUE SOUTH
SUITE 270
MINNEAPOLIS MN 55435

PARK NICOLLET
P O BOX 9104
MINNEAPOLIS MN 55480

ALEGIS GROUP
15 SOUTH MAIN SUITE 600
GREENVILLE SC 29601

KELLER, JASMINE -CHAPTER 13 TRU
OFFICE OF THE CHAPTER 13 TRUSTE
12 SOUTH 6TH STREET
SUITE 310
MINNEAPOLIS MN 55402

PARK NICOLLET CLINIC
C/O ALLIED INTERSTATE
BOX 361533
COLUMBUS OH 43236

CAPITAL ONE
C/O ALLIANCE ONE
4850 STREET ROAD LEVEL C
FEASTERVILLE TREVOSE PA 19053

METHODIST HEALTH SYSTEMS
C/O ALLIED INTERSTATE
435 FORD ROAD SUITE 800
MINNEAPOLIS MN 55426

QWEST
C/O ALLIED INTERSTATE
435 FORD ROAD SUITE 800
MINNEAPOLIS MN 55426

CAPITAL ONE
P O BOX 85167
RICHMOND VA 23285

METHODIST HEALTH SYSTEMS
P O BOX 67
CHANHASSEN MN 55317

QWEST
P O BOX 1301
MINNEAPOLIS MN 55483

CAPITAL ONE
C/O MRS ASSOCIATES
3 EXECUTIVE CAMPUS
SUITE 400
CHERRY HILL NJ 08002

MINN DEPT OF REVENUE
C/O COLLECTION ENFORCEMENT DEPT
BOX 64447 551 BKY SECTION
ST. PAUL MN 55164

RESURGENT CAPITAL SERVICES
P O BOX 10587
GREENVILLE SC 29603

SCOTT COUNTY HUMAN SERVICES
CHILD SUPPORT ENF UNIT
200 4TH AVE W ROOM 300
SHAKOPEE MN 55379

SCOTT COUNTY PROPERTY TAX DEPAR
200 4TH AVE WEST
SHAKOPEE MN 55379

SUBURBAN EMERGENCY
14700 28TH AVENUE NORTH
SUITE 20
MINNEAPOLIS MN 55447

US TRUSTEE OFFICE
ROOM 1017
301 US FEDERAL COURTHOUSE
300 SOUTHWEST FOURTH STREET
MINNEAPOLIS MN 55415

WELLS FARGO FINANCIAL
1350 EAST HIGHWAY 96
WHITE BEAR LAKE MN 55110

WELLS FARGO FINANCIAL
P O BOX 13460
PHILADELPHIA PA 19101

WELLS FARGO FINANCIAL ACCEPTANC
3101 WEST 69TH STREET
EDINA MN 55435

WELLS FARGO FINANCIAL ACCEPTANC
MAC F15134-011
1460 NORTHWEST VIVION ROAD
BOX 28724
KANSAS CITY MO 64118

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Ronald Jay Baer
Carol Jean Baer

SIGNATURE DECLARATION

Debtor(s).

Case No. 04-33716 CFC

☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (Please describe: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 9/22/04

X Ronald J. Baer
Signature of Debtor or Authorized Representative

Ronald Jay Baer

Printed Name of Debtor or Authorized Representative

X Carol Jean Baer
Signature of Joint Debtor

Carol Jean Baer

Printed Name of Joint Debtor

Form ERS 1 (Rev. 10/03)

G. Martin Johnson
G. Martin Johnson (0052279)
3800 West Old Shakopee Road
Bloomington, MN 55431
Tel: (952) 881-9758
Fax: (952) 881-2172
Counsel for Debtor(s)